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FL-355

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address). Christina Sherman Attorney at Law 1010 B Street, Suite 203 San Rafael, CA 94901 TELEPHONE NO. (415) 457-4367 FAX NO. (Optional) (415) 457-4368 E-MAIL ADDRESS (Optional) christina@theshermanlawoffice.com		TELEPHONE NO. 271771	FOR COURT USE ONLY
ATTORNEY FOR (Name) Respondent, Phillip Bell			<b>FILED</b> San Francisco County Superior Court  OCT 16 2015  CLERK OF THE COURT BY: <u>[Signature]</u> Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco			
STREET ADDRESS 100 McAllister Street			
MAILING ADDRESS: CITY AND ZIP CODE San Francisco, CA 94102 BRANCH NAME: Family Law Division			
PETITIONER: County of Sacramento			
RESPONDENT: Phillip Bell			
OTHER:			
STIPULATION AND ORDER FOR CUSTODY AND/OR VISITATION OF CHILDREN		<input checked="" type="checkbox"/> MODIFICATION	CASE NUMBER: FCS -15-350844

The parties signing this stipulation agree that:

- This court has jurisdiction over the minor children because California is the children's home state.
- The habitual residence of the children is the United States of America.
- The parties acknowledge they were advised that any violation of this order may result in civil or criminal penalties, or both.
- The parties stipulate that the attached document, dated (specify): \_\_\_\_\_ and consisting of (number): 7 pages is their custody and visitation agreement and request that it be made an order of the court, or
  - The parties stipulate that the attached forms  
☒ FL-341 ☐ FL-341(A) ☐ FL-341(B) ☒ FL-341(C) ☒ FL-341(D) ☒ FL-341(E)  
are their agreement regarding custody and/or visitation of their children and request that they be made an order of the court.

Each party declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: <u>10-15-15</u> County of Sacramento (TYPE OR PRINT NAME)	     
Date: _____ Phillip Bell (TYPE OR PRINT NAME)	
Date: <u>10-15-15</u> Christina Sherman (TYPE OR PRINT NAME)	
Date: <u>10/13/15</u> San Kitha Edwards (TYPE OR PRINT NAME)	
Date: _____ (TYPE OR PRINT NAME)	

## FINDINGS AND ORDER

## THE COURT FINDS:

- This court has jurisdiction over the minor children because California is the children's home state.
- The habitual residence of the children is the United States of America.
- Both parties have been advised that any violation of this order may result in civil or criminal penalties, or both.

## THE COURT ORDERS:

- The agreement of the parties regarding custody and visitation ☒ as set forth in the attached document dated (specify): \_\_\_\_\_ and consisting of (number): \_\_\_\_\_ pages or ☐ set forth in the attached forms:  
☐ FL-341 ☐ FL-341(A) ☐ FL-341(B) ☐ FL-341(C) ☐ FL-341(D) ☐ FL-341(E)  
is adopted as the order of the court and fully incorporated by reference herein.

Date: 10/16/15Form Approved for Optional Use  
Judicial Council of California  
FL-355 (Rev. January 1, 2004)

STIPULATION AND ORDER FOR CUSTODY AND/OR VISITATION OF CHILDREN

JUDICIAL OFFICER

MONICA WILEY

Bell, Phillip

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FL-341

PETITIONER/PLAINTIFF: County of Sacramento

CASE NUMBER:

FCS -15-350844

RESPONDENT/DEFENDANT: Phillip Bell

## CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDER ATTACHMENT

- TO ☐ Findings and Order After Hearing (form FL-340) ☐ Judgment (form FL-180)  
☒ Stipulation and Order for Custody and/or Visitation of Children (form FL-355)  
☐ Other (specify):

1. Jurisdiction. This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code, commencing with section 3400).
2. Notice and opportunity to be heard. The responding party was given notice and an opportunity to be heard, as provided by the laws of the State of California.
3. Country of habitual residence. The country of habitual residence of the child or children in this case is ☒ the United States ☐ other (specify):
4. Penalties for violating this order. If you violate this order, you may be subject to civil or criminal penalties, or both.
5. ☒ Custody. Custody of the minor children of the parties is awarded as follows:

<u>Child's name</u>	<u>Date of birth</u>	<u>Legal custody to</u> (person who makes decisions about health, education, etc.)	<u>Physical custody to</u> (person with whom the child lives)
Phillip Bell III	8/30/2006	Parents, but see #14, below	Parents

6. ☐ Child abduction prevention. There is a risk that one of the parents will take the children out of California without the other parent's permission. (Child Abduction Prevention Orders Attachment (form FL-341(B)) must be attached and must be obeyed.)

7. ☒ Visitation (parenting time)
  - ☒ Reasonable right of visitation to the party without physical custody (not appropriate in cases involving domestic violence)
  - ☐ See the attached \_\_\_\_\_-page document.
  - ☐ The parties will go to mediation at (specify location):
  - ☐ No visitation
  - ☒ Visitation (parenting time) for the ☐ petitioner ☒ respondent ☐ other (name):  
will be as follows:

- ☐ Weekends starting (date):  
(The first weekend of the month is the first weekend with a Saturday.)  
☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☒ 5th weekend of the month  
 from \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m.  
 (day of week) (time)  
 to \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m.  
 (day of week) (time)

- ☐ The parents will alternate the fifth weekends, with the ☐ petitioner ☐ respondent ☐ other (name):  
having the initial fifth weekend, which starts (date):
- ☐ The petitioner will have fifth weekends in ☐ odd ☐ even months.

THIS IS A COURT ORDER.

CHILD CUSTODY AND VISITATION (PARENTING TIME)  
ORDER ATTACHMENT

Bell, Phillip

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FL-341

PETITIONER/PLAINTIFF: County of Sacramento	CASE NUMBER: FCS -15-350844
RESPONDENT/DEFENDANT: Phillip Bell	

7. e. (2) ☒ Alternate weekends starting (date): 10/23/2015The ☐ petitioner ☒ respondent ☐ other (name):

will have the children

with him or her during the period

from Saturday at 2:45 ☒ a.m. / m.  
(day of week) (time)to Sunday at 6:00 ☐ a.m. ☒ p.m.  
(day of week) (time)(3) ☐ Weekdays starting (date):The ☐ petitioner ☐ respondent ☐ other (name):

will have the children

with him or her during the period

from at ☐ a.m. ☐ p.m.  
(day of week) (time)to at ☐ a.m. ☐ p.m.  
(day of week) (time)

(4) Other (specify days and times as well as any additional restrictions):

☐ See Attachment 7e(4).8. ☐ The court acknowledges that criminal protective orders in case number (specify):

in (specify court):

relating to the parties in this case are in effect

under Penal Code section 136.2, are current, and have priority of enforcement.

9. ☐ Supervised visitation. Until ☐ further order of the court ☐ other (specify):the ☐ petitioner ☐ respondent ☐ other (name):

will have supervised visitation with

the minor children according to the schedule

set forth on page 1. (You must attach Supervised Visitation Order (form FL-341(A).)

10. ☒ Transportation for visitation

a. The children must be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.

b. ☐ Transportation to the visits will be provided by the ☐ petitioner ☐ respondent☐ other (specify):c. ☐ Transportation from the visits will be provided by the ☐ petitioner ☐ respondent☐ other (specify):d. ☒ The exchange point at the beginning of the visit will be at (address): child's school in Elk Grovee. ☒ The exchange point at the end of the visit will be at (address): Fonten's/Nut Tree in Vacavillef. ☐ During the exchanges, the parent driving the children will wait in the car and the other parent will wait in his or her home while the children go between the car and the home.g. ☒ Other (specify): Respondent shall pay Mother \$100/month towards transportation costs related to visits.11. ☐ Travel with children. The ☐ petitioner ☐ respondent ☐ other (name):

must have written permission from the other parent or a court order to take the children out of

a. ☐ the state of California.b. ☐ the following counties (specify):c. ☐ other places (specify):

THIS IS A COURT ORDER.

CHILD CUSTODY AND VISITATION (PARENTING TIME)

ORDER ATTACHMENT

Bell, Phillip

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FL-341

PETITIONER/PLAINTIFF: County of Sacramento

CASE NUMBER:

FCS -15-350844

RESPONDENT/DEFENDANT: Phillip Bell

12. ☒ Holiday schedule. The children will spend holiday time as listed ☐ below ☒ in the attached schedule.  
(Children's Holiday Schedule Attachment (form FL-341(C)) may be used for this purpose.)

13. ☐ Additional custody provisions. The parents will follow the additional custody provisions listed ☐ below ☐ in the attached schedule. (Additional Provisions—Physical Custody Attachment (form FL-341(D)) may be used for this purpose.)

14. ☒ Joint legal custody. The parents will share joint legal custody as listed ☒ below ☒ in the attached schedule.  
(Joint Legal Custody Attachment (form FL-341(E)) may be used for this purpose.)

The parents shall share joint legal custody, except Mother shall have sole legal custody for purposes of making the following decisions:

- (1) Beginning or ending of psychiatric, psychological, or other mental health counseling or therapy;
- (2) Selection of a doctor, dentist, or other health professional (except for in emergency situations when the minor child is with Father).
- (3) Participation in school field trips and other extracurricular activities.

15. ☒ Other (specify):

- (1) Father may have peaceful contact with Mother during the exchange of the minor child.
- (2) Father may have peaceful contact with Mother for the purposes of attending the same football game or other sporting event as Mother.

THIS IS A COURT ORDER.

FL-341 (Rev. July 1, 2013)



CHILD CUSTODY AND VISITATION (PARENTING TIME)

ORDER ATTACHMENT

Bell, Phillip

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CHILDREN'S HOLIDAY SCHEDULE ATTACHMENT

Form Approved by District Court of California, January 1, 2003

Family Code, §§ 3092, 3093

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Bell, Phillip

c. ☒ Other (specify): Neither parent shall interfere with regular scheduled activities with out written consent of the other parent

b. ☒ Any vacation outside ☐ California ☒ the United States requires prior written consent of the other parent or

a. ☐ This vacation may be outside California.

☒ The other parent has (specify number): 15 days to respond if there is a problem with the schedule.

that includes dates of leaving and returning, destinations, flight information, and telephone numbers for emergency purposes.

☐ weeks with the children the following number of times per year (specify): 1. They must notify the other parent in writing

☒ respondent may take a vacation of up to (specify number): 14 days

Any three-day weekend not specified above will be spent with the parent who would normally have that weekend.

☒ Other (specify): The parent shall observe the following summer schedule:

(1) Phillip shall be on a rotating schedule whereby he alternates bi-weekly with

parents, except during school reason when he alternates weekly.

Holiday	Time (from when to when)	Every Year	Even Years	Odd Years
January 1 (New Years Day)	a.m.	Respondent	Respondent	Respondent
Martin Luther King's Birthday (weekend)		Respondent	Respondent	Respondent
Lincoln's Birthday		Respondent	Respondent	Respondent
President's Day (weekend)		Respondent	Respondent	Respondent
Spring Break, first half		Respondent	Respondent	Respondent
Spring Break, second half		Respondent	Respondent	Respondent
Mother's Day		Respondent	Respondent	Respondent
Memorial Day (weekend)		Respondent	Respondent	Respondent
Father's Day		Respondent	Respondent	Respondent
July 4th		Respondent	Respondent	Respondent
Labor Day (weekend)		Respondent	Respondent	Respondent
Columbus Day (weekend)		Respondent	Respondent	Respondent
Halloween		Respondent	Respondent	Respondent
Veteran's Day (weekend)		Respondent	Respondent	Respondent
Thanksgiving Day		Respondent	Respondent	Respondent
Thanksgiving weekend		Respondent	Respondent	Respondent
Winter Break, first half		Respondent	Respondent	Respondent
Winter Break, second half		Respondent	Respondent	Respondent
New Year's Eve		Respondent	Respondent	Respondent
Child's birthday		Respondent	Respondent	Respondent
Mother's birthday		Respondent	Respondent	Respondent
Father's birthday		Respondent	Respondent	Respondent
Breaks for year-round schools		Respondent	Respondent	Respondent
Summer Break, first half		Respondent	Respondent	Respondent
Summer Break, second half		Respondent	Respondent	Respondent
Other (specify):		Respondent	Respondent	Respondent
Easter		Respondent	Respondent	Respondent
Christmas Eve		Respondent	Respondent	Respondent
Christmas Day		Respondent	Respondent	Respondent

1. Holiday parenting. The following table shows the holiday parenting schedules. With "Pet" or "Resp" to specify each parent's years-odd, even, or both ("every year")-and under "Time" specify the starting and ending days and times.

## CHILDREN'S HOLIDAY SCHEDULE ATTACHMENT

TO ☐ Petition or Application for Order ☐ Findings and Order After Hearing or Judgment

RESPONDENT: Phillip Bell

CASE NUMBER: FCS -15-350844

FL-341(C)

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PETITIONER: County of Sacramento	CASE NUMBER: FCS -15-350844
RESPONDENT: Phillip Bell	FL-341(D)

## ADDITIONAL PROVISIONS-PHYSICAL CUSTODY ATTACHMENT

TO ☐ Petition or Application for Order ☐ Findings and Order After Hearing or Judgment  
☒ Stipulation and Order for Custody and/or Visitation of Children

1. ☒ Notification of parent's current address. Each parent must notify the other parent of his or her current address and telephone number within (specify number): 60 days of any change in his or her
  - a. address for ☒ residence ☐ mailing ☐ work.
  - b. telephone/message number at ☒ home ☐ work ☐ the children's schools.

Neither parent may use such information for the purpose of harassing, annoying, or disturbing the peace of the other or invading the other's privacy. If a parent has an address with the State of California's Safe at Home confidential address program, no residence or work address is needed.
2. ☒ Notification of proposed move of child. Each parent must notify the other parent (specify number): 60 days prior to any planned change in residence of the children. The notification must state, to the extent known, the planned address of the children, including the county and state of the new residence. The notification must be sent by certified mail, return receipt requested.
3. ☐ Child care
  - a. ☐ The children must not be left alone without age-appropriate supervision.
  - b. ☐ The parents must let each other know the name, address, and phone number of the children's regular child-care providers.
4. ☐ Right of first option of child care. In the event either parent requires child care for (specify number): hours or more while the children are in his or her custody, the other parent must be given first opportunity, with as much prior notice as possible, to care for the children before other arrangements are made. Unless specifically agreed or ordered by the court, this order does not include regular child care needed when a parent is working.
5. ☒ Canceled parenting time
  - a. ☒ If the noncustodial parent fails to arrive at the appointed time and fails to notify the custodial parent that he or she will be late, then the custodial parent need wait for only (specify number): 30 minutes before considering the visitation canceled.
  - b. ☒ In the event a noncustodial parent is unable to exercise visitation on a given occasion, he or she must notify the custodial parent at the earliest possible opportunity.
  - c. ☐ The custodial parent must give the noncustodial parent as much notice as possible if the children are ill and unable to participate in scheduled time with the other parent. ☒ A doctor's excuse is required.
6. ☒ Phone contact between parents and children
  - a. ☒ The children may have telephone access to the parents ☐ and the parents may have telephone access to the children at reasonable times, for reasonable durations.
  - b. ☐ The scheduled phone contact between parents and the children is (specify):
  - c. ☒ Neither parent nor any other third party may listen to or monitor the calls.
7. ☒ No negative comments. Neither parent will make or allow others to make negative comments about the other parent or the other parent's past or present relationships, family, or friends within hearing distance of the children.
8. ☒ No use of children as messengers. The parents will communicate directly with each other on matters concerning the children and may not use the children as messengers between them.
9. ☐ Alcohol or substance abuse. The ☐ petitioner ☐ respondent may not consume alcoholic beverages, narcotics, or restricted dangerous drugs (except by prescription) within (specify number): hours prior to or during periods of time with the children ☐ and may not permit any third party to do so in the presence of the children.
10. ☐ No exposure to cigarette smoke. The children will not be exposed to secondhand cigarette smoke while in the home or car of the other parent.

Form Approved for Optional Use  
 Judicial Council of California  
 FL-341(D) (Rev. January 1, 2005)



ADDITIONAL PROVISIONS-PHYSICAL CUSTODY ATTACHMENT

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Family Code, §§ 3003, 3074, 3083  
 www.courtinfo.ca.gov

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PETITIONER: County of Sacramento

RESPONDENT: Phillip Bell

CASE NUMBER:

FCS -15-350844

11. ☐ No interference with schedule of other parent without that parent's consent. Neither parent will schedule activities for the children during the other parent's scheduled parenting time without the other parent's prior agreement.
12. ☐ Third-party contact
- a. ☐ The children will have no contact with (specify name):
- b. ☐ The children must not be left alone in the presence of (specify name):
13. ☒ Children's clothing and belongings
- a. ☒ Each parent will maintain clothing for the children so that the children do not have to make the exchanges with additional clothing.
- b. ☐ The children will be returned to the other parent with the clothing and other belongings they had when they arrived.
14. ☐ Log book. The parents will maintain a "log book" and make sure that the book is sent with the children between their two homes. Using businesslike notes (no personal comments), parents will record information related to the health, education, and welfare issues that arise during the time the children are with them.
15. ☐ Terms and conditions of order may be changed. The terms and conditions of this order may be added to or changed as the needs of the children and parents change. Such changes will be in writing, dated and signed by both parents; each parent will retain a copy. If the parents want a change to be a court order, it must be filed with the court in the form of a court document.
16. ☐ Other (specify):

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PETITIONER: County of Sacramento	CASE NUMBER: FCS -15-350844
RESPONDENT: Phillip Bell	FL-341(E)

## JOINT LEGAL CUSTODY ATTACHMENT

- TO ☐ Petition or Application for Order ☐ Findings and Order After Hearing or Judgment  
☒ Stipulation and Order for Custody and/or Visitation of Children

1. The parents will have joint legal custody of the minor children.
2. In exercising joint legal custody, the parents will share in the responsibility and confer in good faith on matters concerning the health, education, and welfare of the children. The parents must confer in making decisions on the following matters:
  - a. ☐ Enrollment in or leaving a particular private or public school or daycare center
  - b. ☐ Participation in particular religious activities or institutions
  - c. ☐ Beginning or ending of psychiatric, psychological, or other mental health counseling or therapy
  - d. ☐ Selection of a doctor, dentist, or other health professional (except in emergency situations)
  - e. ☐ Participation in extracurricular activities
  - f. ☐ Out-of-country or out-of-state travel
  - g. ☐ Other (specify) :

In all other matters in exercising joint legal custody, the parents may act alone, as long as the action does not conflict with any orders concerning the physical custody of the children.

3. If a parent does not obtain the required consent of the other parent to the decisions checked in item 2:
  - a. He or she may be subject to civil or criminal penalties.
  - b. The court may change the legal and physical custody of the minor children.
  - c. ☐ Other consequences (specify) :
4. ☐ Special decision-making designation
  - a. The ☐ petitioner ☐ respondent will be responsible for making decisions regarding the following issues (specify) :
  - b. ☐ Each parent will have access to the children's school, medical, and dental records and the right to consult with professionals who are providing services to the children.
5. ☒ Health-care notification
  - a. ☒ Each parent must notify the other of the name and address of each health practitioner who examines or treats the children; such notification must be made within (specify number) : 14 days of the commencement of the first such treatment or examination.
  - b. ☐ Each parent is authorized to take any and all actions necessary to protect the health and welfare of the children, including but not limited to consent to emergency surgical procedures or treatment. The parent authorizing such emergency treatment must notify the other parent as soon as possible of the emergency situation and of all procedures or treatment administered to the children.
  - c. ☐ Both parents are required to administer any prescribed medications for the children.
6. ☒ School notification. Each parent will be designated as a person the children's school will contact in the event of an emergency.
7. ☒ Name. Neither parent will change the last name of the children or have a different name used on the children's medical, school, or other records without the written consent of the other parent.
8. ☒ Other (specify) :  
Both parents and Father's girlfriend shall complete a parenting course.